

UNITED STATES BANKRUPTCY COURT

L. Jefferson Davis, IV
Clerk of Court

DISTRICT OF SOUTH CAROLINA
J. BRATTON DAVIS UNITED STATES BANKRUPTCY COURTHOUSE
1100 LAUREL STREET
COLUMBIA, SOUTH CAROLINA 29201-2423

TELEPHONE (803)765-5436
www.scb.uscourts.gov

DATE: October 20, 2022

TO: Benjamin R. Mathews
and Benjamin R. Matthews & Assoc.
Joseph E. Cotterman
JOSEPH E. COTTERMAN, PLLC
5232 West Oraibi Drive
Glendale, AZ 85308

Daniel E. Garrison
PROTEGO LAW, PLLC
1805 N. Scottsdale Rd., Ste. 100
Tempe, AZ 85281

John P. Fitzgerald, III,
Acting United States Trustee, Region 4
Linda Barr, Trial Attorney
Office of the United States Trustee
1835 Assembly Street, Suite 953
Columbia, SC 29201

RE: Charles Pernell Prophet and
Shirley Ann Prophet, 20-03131

Pursuant to Federal Rule of Bankruptcy Procedure 8003, this letter is to notify you that a notice of appeal in the above-referenced case was filed in this Court on October 19, 2022. A copy of that notice along with a copy of the judgment, order, or decree of this Court which has been appealed is included with this letter. In deciding what action to take in response to this appeal, it may be helpful to review Part VIII of the Federal Rules of Bankruptcy Procedure, which governs the procedure on an appeal from a judgment, order, or decree of a bankruptcy court.

Federal Rule of Bankruptcy Procedure 8009 sets forth the procedure and deadlines for designating the record on appeal. If you need to order transcripts, a Transcript Order Form AO435 is available through the Court's website, www.scb.uscourts.gov.

The record on appeal will be transmitted from this office to the Clerk of Court for the United States District Court for the District of South Carolina, upon completion, pursuant to Federal Rule of Bankruptcy Procedure 8010. Parties to the appeal will receive notice once the record on appeal is received by the District Court. Typically, an appeal and the associated record on appeal are transmitted to the District Court within thirty (30) days from the final designation of the record on appeal and the receipt of any requested transcript.

At the request of the Clerk of Court for the United States District Court for the District of South Carolina, parties to this appeal are hereby advised that any designation of the record must contain a statement as to whether or not there is, or ever has been, an appeal to the District Court in any related case or adversary proceeding.

L. Jefferson Davis, IV, Clerk of Court
United States Bankruptcy Court

BY: 

D. Woods, Deputy Clerk

Enclosures

cc: Benjamin R. Matthews and Benjamin R. Matthews & Assoc.
United States Trustee

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA

<p>In re:</p> <p>Charles Pernell Prophet and Shirley Ann Prophet,</p> <p>Debtors.</p>	<p>Case No. 3:20-03131-dd</p> <p>Chapter 7</p>
<p>In re:</p> <p>Steven Rosenschein,</p> <p>Debtor.</p>	<p>Case No. 2:20-03171-dd</p> <p>Chapter 7</p>
<p>In re:</p> <p>Christine Marie Naughton,</p> <p>Debtor.</p>	<p>Case No. 20-03293-dd</p> <p>Chapter 7</p>

NOTICE OF APPEAL AND STATEMENT OF ELECTION

PART 1: Identify the appellant(s)

1. Name(s) of appellant(s): Benjamin R. Matthews and Benjamin R. Matthews & Assoc.
2. Position of Appellant in the bankruptcy case that is the subject of appeal: Counsel to Debtors.

For appeals in an adversary proceeding.	For appeals in a bankruptcy case and not in an adversary proceeding.
<input type="checkbox"/> Plaintiff	<input type="checkbox"/> Debtor
<input type="checkbox"/> Defendant	<input type="checkbox"/> Creditor
<input type="checkbox"/> Other (describe) _____	<input type="checkbox"/> Trustee
	<input checked="" type="checkbox"/> Other: <u>Counsel to Debtors</u>

PART 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from:
In re Prophet, Case No. 3:20-03131-dd, "Amended Order" entered at ECF Docket number 93, October 6, 2022;

In re Rosenschein, Case No. 2:20-03171-dd, "Amended Order" entered at ECF Docket number 80, October 6, 2022;

In re Naughton, Case No. 2:20-03293-dd, "Amended Order" entered at ECF docket number 77, October 6, 2022.

2. State the date on which the judgment, order, or decree was entered: October, 6, 2022 as to all orders.

PART 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Benjamin R. Mathews
and Benjamin R. Matthews & Assoc.

Attorney: Joseph E. Cotterman
JOSEPH E. COTTERMAN, PLLC
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2. Party: John P. Fitzgerald, III,
Acting United States Trustee, Region 4

Attorney: Linda Barr, Trial Attorney
Office of the United States Trustee
1835 Assembly Street, Suite 953
Columbia, SC 29201
(803)765-5219
linda.k.barr@usdoj.gov

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PART 4: Optional election to have the appeal heard by the District Court (applicable only in certain districts)

Appellants elect to have these consolidated appeals heard by the District Court.

RESPECTFULLY SUBMITTED October 19, 2022.

/s/ Benjamin R. Matthews

Benjamin R. Matthews (SC Dist. Ct. No. 3332)

Benjamin R. Matthews & Assoc.

2010 Gadsden St.

Columbia, SC 29201

Tel: (803) 799-1700

benrusmat@gmail.com

/s/ Joseph E. Cotterman

Joseph E. Cotterman, AZ Bar 013800

admitted Pro hac vice

JOSEPH E. COTTERMAN, PLLC

5232 West Oraibi Drive

Glendale, AZ 85308

Tel: (480) 353-0540

joe@jeclaw.us

CERTIFICATE OF MAILING

This is to certify, under penalty of perjury, that on October 19, 2022, the foregoing was electronically filed and emailed to those parties in interest set forth below.

Linda K. Barr, Trial Attorney

Office of the United States Trustee

linda.k.barr@usdoj.gov

/s/ Joseph E. Cotterman

Joseph E. Cotterman, AZ Bar 013800

Admitted pro hac vice